



# Virginia Department of Corrections

## Records and Information Management

### Operating Procedure 050.1

### *Offender Records Management*

#### **Authority:**

Directive 050, *Offender Records Management*

**Effective Date:** May 1, 2020

**Amended:** 10/1/20, 5/21/21, 11/1/22

#### **Supersedes:**

Operating Procedure 050.1, August 1, 2018

**Access:** ☒ Public ☐ Restricted

☐ Incarcerated Offender

**ACA/PREA Standards:** 5-ACI-1E-01, 5-ACI-1E-02, 5-ACI-1E-05, 5-ACI-1F-01, 5-ACI-3C-21; 4-4095, 4-4096, 4-4099, 4-4100, 4-4246; 4-ACRS-7D-05, 4-ACRS-7D-07, 4-ACRS-7D-08, 4-ACRS-7D-09, 4-ACRS-7D-10, 4-ACRS-7D-37; 4-APPFS-3D-28, 4-APPFS-3D-29, 4-APPFS-3D-30, 4-APPFS-3D-31; 4-APPFS-3D-34; 2-CO-1E-01, 2-CO-1E-02, 2-CO-1E-03, 2-CO-1E-04, 2-CO-1E-07, 2-CO-1E-08, 2-CO-1F-02, 2-CO-1F-06

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## REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date. (4-ACRS-7D-08)

*The content owner reviewed this operating procedure in May 2021 and necessary changes have been made.*

*The content owner reviewed this operating procedure in May 2022 and necessary changes are being drafted.*

## COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Alcohol and Drug Abuse Information** - Information regarding the identification, diagnosis, prognosis, or treatment of an offender relative to their participation in an alcohol or drug program

**Amendment** - The formal process of altering, modifying, or subtracting from a document or record; VACORIS maintains a historical record of all actions related to an offender's incarceration and may be amended to correct erroneous information.

**Case File** - A confidential computer record maintained in VACORIS, ICOTS, and/or written record maintained in a P&P Office or Community Corrections Facility regarding the offender that includes documentation of all action that has occurred in the case

**Community Corrections Facility** - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

**Correctional Status Information** - Records and data concerning each condition of a convicted person's custodial status, including probation, confinement, study release, work release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision; reference COV §9.1-101, *Definitions*

**Criminal History Record Information** - Records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal charges, and any disposition arising there from; the term will not include juvenile record information that is controlled by COV §16.1-226 et seq., *Juvenile and Domestic Relations District Court Law*, criminal justice intelligence information, criminal justice investigative information, or correctional status information; reference COV §9.1-101, *Definitions*.

**Criminal Investigative Information** - Information on identifiable individuals compiled in the course of case management or investigation related to specific criminal acts; this is the general case file material excluding the criminal history.

**Criminal Justice Agency** - A Court or government agency, or any sub-unit thereof, that performs the administration of criminal justice pursuant to a statute or Executive Order, as defined in COV §9.1-101, *Definitions*

**Dissemination** - Any transfer of data or information, whether orally, in writing, or by electronic means; the term will not include access to data and information by officers or employees of a criminal justice agency maintaining the data and information who have both a need and right to know.

**Educational Documents** - Diplomas, High School Equivalency or GED Certificates, Career and Technical Education Certificates, apprenticeship documentation, transcripts, and other such documentation of educational achievements

**Expungement** - The removal of a document or materials, or the deletion, erasure, blotting out, or striking out of a portion of a document or materials, as though the expunged material had not existed, so that all mention of a particular matter contained in the offender's historical hardcopy or VACORIS record, if applicable, is completely eradicated from those records. VACORIS maintains a historical record of all actions related to an offender's incarceration and may be amended to correct erroneous information.

**Facility** - Any institution or Community Corrections facility

**Facility Folder** - A two-part folder established at reception for each new offender received into the DOC on or after August 1, 2015 for the storage of the Property Envelope and facility specific information not uploaded to VACORIS

**Health Record** - A file that contains information relative to the offender's medical, dental and mental health condition, and treatment; the Health Record is maintained at the offender's facility of assignment and follows the offender throughout the term of incarceration.

**Historical Hardcopy Record** - The original offender criminal record, established at reception for each offender in an institution prior to August 1, 2015, containing all original incarceration documents

**ICOTS** - The Interstate Compact Offender Tracking System (ICOTS) is the web-based system used by all states and U.S. Territories to transfer and monitor the supervision of offenders while under Interstate Compact for Adult

**Offender Supervision.**

**Identification Documents** - Documents that satisfy the requirements of the U. S. Citizenship and Immigration Services *Employment Eligibility Verification* (Form I-9) or the identification requirements of the Virginia Department of Motor Vehicles for driver's license or identification card; examples include passport, residency card, visa, driver's license, photo ID card issued by a government agency, Social Security card, birth certificate, etc.

**Indigent Offender** - An offender with less than \$5.00 in their offender account for discretionary spending during the previous month and has no job or other source of income that provided as much as \$5.00 during the previous month or an offender who is newly received into a facility and does not have available funds nor hygiene items

**Institution** - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers.

**Interstate Agreement on Detainer (IAD)** - Request for a Speedy Trial by the prosecutor or the inmate in regards to untried indictments from jurisdictions outside of Virginia.

**Mental Health Information** - Any information relative to the offender's mental health status or treatment, including that part of the offender's Health Record that deals primarily with mental health issues

**Offender Data** - Information pertaining to an offender, to include paper and computer file contents

**Offender Notification Information** - Records, reports, and notices that are generated specifically for the information and receipt of an offender, regarding a specific matter involving the offender, including, but not limited to, responses to offender grievances, classification actions, disciplinary reports, and legal update sheets

**Official Offender Record** - All offender-specific information maintained by the Department of Corrections; the official record may include the Historical Hardcopy Record and Facility Folder (institutions), case files (Probation and Parole Offices and Community Corrections facilities), offender Health Records, and all offender-specific computerized records maintained in VACORIS and ICOTS

**Post Sentence Report (PSR)** - An abbreviated form of the Pre-Sentence Investigation report that may be completed when the court does not order a PSI; the PSR must be handled and disseminated under the same restrictions as a PSI.

**Power of Attorney (POA)** - A written document that authorizes one person to act on behalf of another; see COV §64.2-1600 et seq. *Virginia Uniform Power of Attorney Act*.

**Pre-Sentence Investigation (PSI)** - A special individual background investigation and report prepared by P&P Officers for the Courts and Parole Board; the PSI is sealed upon final order by the Court and may be made available only by court order except that the Court or Department of Corrections may make a copy available to criminal justice agencies or agencies where the offender is referred for treatment or supervision; reference COV §19.2-299, *Investigations and reports by probation officers in certain cases*.

**Property Envelope** - A 6" by 9" brown envelope established at initial intake to store offender identification documents and educational documents (i.e. original certificates, diplomas, and certification cards), to be transferred with the offender to each new institution and provided to the offender upon their release

**Subpoena Duces Tecum** - An order of the Court issued requiring the production of documents

**VACORIS** - The computer-based Virginia Department of Corrections offender information management system.

**WRIT (Habeas Corpus Ad Prosequendum or Testificandum)** - Court order for an inmate to appear in court typically used by federal authorities. The approval of the Governor's office is required for all courts located outside of Virginia.

## PURPOSE

This operating procedure provides guidelines for the management of records for offenders incarcerated in Department of Corrections facilities or under Department of Corrections investigation or supervision in the community. This operating procedure provides a standardized record keeping system for offender data to ensure that offender data is kept confidential and to ensure that offender data provides uniform and accurate documentation of case management.

## PROCEDURE

### I. Offender Records

- A. This operating procedure governs the establishment, utilization, content, privacy, secure placement, preservation, and security of offender records; the dissemination of information from these records, and instructions for retiring or destroying inactive records. (5-ACI-1E-01; 4-4095; 4-ACRS-7D-08; 4-APPFS-3D-28; 2-CO-1E-01)
- B. VACORIS is an organized computer-based system that provides for the collection, storage, review, retrieval, analysis and reporting of information as part of the overall management, planning, and research capacity relating to both offenders and Organizational Units within DOC. (5-ACI-1F-01; 4-4100; 4-ACRS-7D-05; 4-APPFS-3D-31; 2-CO-1F-02)
  1. Within VACORIS, the DOC maintains an ongoing record for each offender that includes identification and demographic information, current offenses and sentences, and other information as appropriate. (4-ACRS-7D-07, 4-ACRS-7D-09; 2-CO-1E-02)
    - a. The VACORIS record is originated upon the offender's first contact with the DOC and continues throughout the offender's lifetime.
    - b. Any additional investigations and periods of supervision or incarceration are added to the VACORIS record.
  2. The computerized offender record maintained in VACORIS is the primary official record on each offender. (4-ACRS-7D-07, 4-ACRS-7D-09; 2-CO-1E-02, 2-CO-1E-03)
    - a. Each VACORIS record should contain a dated photograph of the offender. The photograph should be updated when there is a significant change in the offender's appearance in accordance with Operating Procedure 864.1, *Offender Grooming and Hygiene*.
    - b. The *Emergency Notification Information* 050\_F11 should be keyed in VACORIS as documentation of the offender's emergency contact and next of kin information and a copy may be filed in the Historical Hardcopy Record, Facility Folder, or Case Record. This information in VACORIS should be reviewed and updated, if necessary, at each annual review or sooner if a change is reported.
    - c. Current property inventories will be maintained in VACORIS in accordance with Operating Procedure 802.1, *Offender Property*.
    - d. In institutions, designated staff must maintain and update the following information in the offender's VACORIS record in accordance with applicable operating procedures:
      - i. Initial Intake Information (Identification and Demographic Information)
      - ii. Criminal History Record Information, Sentence Summary, Pre-sentence Investigations (PSI) and Post Sentence Reports (PSR), when available
      - iii. Social History/Family Environmental Information
      - iv. COMPAS Assessment, Re-entry Timeline, and Case Plan
      - v. Educational, Vocational and Treatment Programs
      - vi. Current and Previous Institutional Employment
      - vii. Classification Assessments, Security Level Assignments, and Good Time Awards
      - viii. Evaluations, Progress Reports, and Discharge Reports, as applicable
      - ix. Grievance and Disciplinary Record to include the *Receipt of Offender Discipline Procedure*

- 861\_F1 uploaded as an external document
- x. Visitation Approvals, Histories, Suspensions, and Restrictions
  - e. In P&P Offices, required material in the VACORIS record will include but is not limited to:
    - i. For all active cases all applicable fields in the Home Page should be completed
    - ii. Complete Criminal History Record Information
    - iii. Current Sentences and Dispositions
    - iv. Supervision Conditions
    - v. Case Plan
    - vi. Risk Assessment, Needs Assessment, and/or other approved instruments
    - vii. P&P Officer's case notes provide documentation of case activity. These entries must be completed within seven workdays and documented in the *Offender Notes* section of VACORIS.
  - f. In Community Corrections Facilities, offender record information must be entered into VACORIS in accordance with Operating Procedure 940.4, *Community Corrections Alternative Program*.
    - i. Program staff will make entries in the *Offender Notes* section of VACORIS, identified as a *Supervision Note* to record significant events and decisions.
    - ii. Offender Records must be reviewed by supervising staff as determined by each Facility Unit Head. At a minimum, the supervising authority, i.e., the Facility Unit Head, or in their absence the Assistant Facility Unit Head, should review case records prior to the offender's assignment to community employment and prior to the offender's discharge from the program.
3. The security controls established in Operating Procedure 310.2, *Information Technology Security*, must be strictly followed to ensure that offender record information contained in VACORIS is secured. (4-ACRS-7D-08)
- C. Maintenance and security of offender facility hardcopy records (4-ACRS-7D-08; 2-CO-1E-08)
- 1. Offender hardcopy records will be stored in locked file cabinets, electronic file retrieval systems, or other suitable receptacles located in secure areas.
  - 2. The Facility Unit Head should establish specific procedures for the issuance and use of offender hardcopy records and is responsible for delineating provisions for maintaining necessary supervision and control over records.
    - a. Hardcopy records must be secured in the designated storage area or under the direct control and supervision of authorized staff at all times. (4-ACRS-7D-37)
    - b. Hardcopy records must be labeled on the right edge of the folder, starting at the bottom and going up, the first five digits of the DOC number will be written in black ink except for those records received from Central Criminal Records. The last two digits will be denoted using color-coded numerical stickers.
    - c. Where possible, hardcopy records will be maintained and issued by a limited number of designated staff who are trained for this purpose.
    - d. Records will be issued to authorized users, only
    - e. Generally, the use of records will be limited only to those staff, as designated by the Facility Unit Head, who require access to records information in order to perform their official assigned duties.
    - f. Offender records will be returned and stored in the designated secure area at the close of each business day. Any time a record is unattended, it will be secured in a locked cabinet or secure area.
    - g. Offender records will be filed in numerical or alphabetical sequence.
    - h. Offenders must not be allowed any unsupervised access to areas containing offender records.
  - 3. All documents should be secured by metal fasteners and within each area of the record, newer documents should be filed on top of older documents.
- D. Probation and Parole Offices must maintain written and/or electronic records of Case Plan decisions, events, and activities regarding offenders. (4-APPFS-3D-29)



1. The hardcopy portion of the Case File is organized and managed in accordance with the practices of each P&P Office. (4-APPFS-3D-30)
2. If the offender is transferred from one P&P District to another, copies of relevant Case File material should be forwarded to the receiving P&P Office in accordance with Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
3. The original Case File should be retained at the sending P&P Office and a new hardcopy Case File established at the receiving P&P Office.
4. Any signed documents and any correspondence not in VACORIS should be stored in the hardcopy Case File, including but not limited to:
  - a. Court Order
  - b. *Consent for Release of Information (PPS 20) 920\_F8*
  - c. Signed Supervision Conditions
  - d. Sex Offender Agreement, if applicable

E. Institutional Hardcopy Records

1. A Facility Folder will be established at reception for each new offender received into the DOC on or after August 1, 2015. The Historical Hardcopy Record will be used for all offenders received in an institution prior to August 1, 2015.
2. Only original documents applicable throughout an offender's incarceration will be uploaded into VACORIS.
3. The Facility Folder and Historical Hardcopy Record may be used for filing institution specific information as deemed appropriate by the Institution Records Manager such as orientation documents, *Personal Property Envelopes*, and any other document generated at the institution for use by staff that is not required to be uploaded to VACORIS or maintained elsewhere at the institution. (2-CO-1E-03)
  - a. The offender must be allowed to possess their own other personal documents such as military discharge (DD-214) and medical documents, these documents should not be stored in the *Property Envelope* or facility folder/hardcopy record.
  - b. Institution specific information and documents that are not appropriate for the offender's Facility Folder or Historical Hardcopy Record will be retained and must be disposed of by the generating unit in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.
  - c. All original institution specific information and documents maintained in the Facility Folder or Historical Hardcopy Record as authorized by the Records Manager, will be removed from the folder and destroyed 30 days after an offender's transfer or release.
4. The offender's Attachment 1, *Property Envelope*, will be maintained in the offender's Facility Folder or Historical Hardcopy Record to be sent with the offender upon their transfer to another institution so that the contents may be delivered to the offender upon their release.
  - a. In the event of an offender's death, the contents stored in the offender's *Personal Property Envelope*, except the Social Security Card, will be delivered to the individual administering the offender's estate in accordance with the *Disposition in the Event of Death* section of Operating Procedure 802.1, *Offender Property*.
  - b. The Social Security Card will be removed from the *Property Envelope* and returned to the nearest Social Security Administration office within 30 days of the offender's death.
  - c. The *Personal Property Envelope* will remain in the Records Office until the contents are claimed by the individual administering the offender's estate or destroyed.
    - i. The individual accepting the contents must sign and date the *Personal Property Envelope* confirming receipt. A copy of the *Envelope* will be uploaded into VACORIS as documentation that the contents were claimed.
    - ii. If the documents are not claimed within 90 days, they will be treated as unclaimed property and disposed of by shredding or burning. Records staff will write "Offender Deceased on

(date)/Contents disposed of on (date)"on the *Envelope*, and upload a copy into VACORIS as documentation that the contents were unclaimed and subsequently destroyed.

- d. Records staff will coordinate the delivery of *Personal Property Envelope* contents with the staff member designated by the Facility Unit Head to distribute the offender's funds and personal property.

F. Community Corrections Facilities will establish a Case Record to be maintained by the facility where the offender is housed.

1. Community Corrections Facilities will use four section folders for Case Files. Case Files will be identified by a printed label with the offender full name (last name, first) and number.
2. When a Community Corrections offender moves from one program to another, the old Case File will be retained by the old facility and a new offender Case File will be established at the new facility.
3. Copies of pertinent Case File materials should accompany the offender when they are being transferred between Community Corrections Facilities.
4. The Case File will contain appropriate documents organized as specified on Attachment 2, *Master Index Sheet (Community Corrections Facilities)*. (4-ACRS-7D-09; 2-CO-1E-02, 2-CO-1E-03)

G. Medical and mental health records will be established, maintained, and retained in accordance with Operating Procedure 701.3, *Health Records*.

1. Certain elements of the Health Record, such as physical evaluations and classifications, are also maintained in original or copy form in the Case File at Community Corrections Facilities
2. Certain documents containing mental health information, such as evaluations and classifications, may be maintained in original or copy form in the Case File at Community Corrections Facilities.

H. Educational records will be established, maintained, and retained in accordance with Operating Procedure 601.1, *Educational Administration and Management*, et seq.

I. Institutional and medical records for out of state offenders serving their sentence in the Virginia DOC under an *Interstate Corrections Compact* will be managed in accordance with Operating Procedure 020.2, *Compact for Interstate Transfer of Incarcerated Offenders*.

J. Correspondence generated relative to offender records should contain offender's name and number; the original request or copy and a copy of the response should be maintained by the facility.

II. Confidentiality of Offender Record Information (4-ACRS-7D-08; 2-CO-1E-08)

A. Information pertaining to the records, offenses, personal history, and private affairs of offenders is for official use only. (2-CO-1F-06)

B. DOC staff may have access to, and, within their job needs and privileges, use VACORIS. Offender record information contained in VACORIS must not be released or disclosed any differently from other types of record information.

C. Staff will seek to obtain such information only as needed for the performance of their official duties and will not discuss such information except as required in the performance of official duties; see Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*.

D. The confidentiality of offender medical, dental, mental health and substance abuse records and information is further governed and restricted by relevant state and federal laws and regulations.

E. Use and Disclosure of Offender Social Security Numbers

1. COV §2.2-3808, *Collection, disclosure, or display of social security number*, restricts the use of social security numbers.
2. The DOC number assigned to the offender is the official identifying number for that offender during all contact with DOC.



3. Social Security numbers are maintained in offender records for record keeping and identification purposes only and should not be used on offender identification cards or for other identification purposes within the DOC.
4. Social Security number information may be used to confirm the identity of an offender when providing information to authorized criminal justice and other agencies in accordance with this operating procedure.
5. Facility staff should confirm, and correct if needed, the offender's Social Security number in VACORIS when the offender's Social Security Card is received at the facility.
6. 42 U.S.C. §405, *Social Security Number Protection Act of 2010*, prohibits the employment or use of prisoners in any capacity that "would allow such prisoners access to the Social Security account numbers of other individuals."

### III. Offender Access to Record Information

- A. Other than as provided in Operating Procedure 050.6, *Offender Access to Record Information*, an offender must have no access to an official record of the offender's incarceration.
- B. Under no circumstances are offenders to handle or have access to information contained in another offender's active record, including but not limited to criminal, classification, medical, mental health, educational, counseling, disciplinary or grievance records, personal information such as the names and addresses of visitors, phone lists, offender account and spend sheet information, or any other records relating to an offender's imprisonment.
- C. Certain offenders may be approved to handle archived records for scanning to electronic storage; however, under no circumstances are offenders to handle or have access to the Social Security account number of other individuals through these records pursuant to 42 U.S.C. §405, *Social Security Number Protection Act of 2010*.

### IV. Expungement of Information from an Offender's Official Record

#### A. Initiation of Expungement Requests

1. Requests for expungement of material from official records must be made in writing:
  - a. Institutions will submit expungement requests to the Manager, Central Criminal Records, or designee.
  - b. Community Corrections Facilities will submit expungement requests to the Regional Administrator.
2. Requests for expungement will give the reasons for the request and indicate the specific material to be expunged.
3. Facility requests for expungement will be submitted by the Facility Unit Head using *Amendment of Offender Record Material* 050\_F13, and will be limited to material that is erroneous or false and to *Disciplinary Offense Reports* disapproved on Level I appeal. (5-ACI-3C-21; 4-4246)
4. For institutions, the Regional Administrator will request expungement of offender *disciplinary Offense Reports* on appeal using *Amendment of Offender Record Material* 050\_F13, in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*. (5-ACI-3C-21; 4-4246)
5. Expungement requests must be based upon the accuracy of the information. Expungement requests will not be made for the purpose of removing disciplinary convictions or other material based upon any consideration other than the accuracy of the material, such as the offender's behavior (except in such instances as directed by the Director, Chief of Corrections Operations, the Office of the Attorney General, Department of Criminal Justice Services, or valid court order).

#### B. Expungement Orders:

1. Institutions

- a. The Manager, Central Criminal Records, or designee, will review each *Amendment of Offender Record Material* and either approve it or disapprove it.
  - b. Disapproved *Amendment of Offender Record Material* will be returned to the Facility Unit Head with accompanying reasons.
2. Community Corrections Facilities
  - a. The Regional Administrator will review the expungement request and either approve or disapprove it.
  - b. Disapproved requests will be returned to the Facility Unit Head with accompanying reasons.
  - c. Approved requests will be forwarded to the Facility Unit Head with instructions to specify exactly what is to be expunged, and the reason for the expungement.
- C. Central Records Expungement - Upon receipt of an *Amendment of Offender Record Material*, Central Criminal Records will ensure:
  1. All referenced material has been expunged from the Historical Hardcopy Record and offender's VACORIS record as directed in the expungement order. All expungement orders and material expunged from the offender's record will be maintained in a separate expungement file by Central Criminal Records.
  2. If the material being expunged is contained in or has had some effect on the offender's time computation record, the Manager, Central Criminal Records, or designee will forward the *Amendment of Offender Record Material* to Court and Legal Time Computation so that the entry on the time computation record can also be expunged and the offender's time re-computed.
  3. The *Amendment of Offender Record Material* is forwarded to the Facility Unit Head of the facility to which the offender is assigned.
- D. Historical Hardcopy Records Expungement:
  1. The *Amendment of Offender Record Material* will specify exactly what is to be expunged, and the reason for the expungement.
  2. If the material to be expunged consists of a complete document or page, that document or page will be removed and marked "expunged" at the top and bottom of each page.
  3. If the material to be expunged is such that an entire document or page cannot feasibly be removed, i.e., a sentence in the middle of a page, the material to be expunged will be completely blotted out, to the extent that it is not possible to determine the content of the material. A notation "expunged" and the date and initials of the person effecting the expungement will be made on the document next to the information blotted out.
  4. Upon completion of the expungement action, the *Amendment of Offender Record Material* will be returned to Central Criminal Records confirming that the expungement action has been completed by the facility. All documents or pages removed from the record in accordance with the expungement order should be destroyed.
  5. No record of the expunged material or the expungement order will remain in any official record.
  6. Any actions taken such as classification, program/ work/ school assignments, housing assignments, etc. as a result of a disciplinary offense report or based on erroneous information that is later expunged must be reviewed by facility staff and corrective action taken, if needed.
- E. Probation and Parole Criminal History Record Information Expungement
  1. An individual whose arrest results in a "dismissal" or a "nolle prossed" or is granted an absolute pardon may petition the Circuit Court of jurisdiction for the expungement of records pertaining to the arrest.
    - a. The petition, usually prepared by an attorney, sets forth reasons why the existence of the record would adversely affect the person arrested.
    - b. If the court grants the petition, expungement of the record will be directed.

c. P&P Offices may receive directives for such expungements.

2. If a P&P Office receives instructions for expungement of records pertaining to an offender, the office must strictly comply with whatever instructions it receives.
3. Community Corrections staff who knowingly disclose expunged records may be guilty of a Class 1 misdemeanor.

F. Parole Board Records:

1. Expungement of material from the parole section of official records can only be done upon written approval of the Chairman, Virginia Parole Board.
2. The Manager, Central Criminal Records, or designee, will notify the Parole Board in writing of the requested expungement.

G. Expungement Requests from the Virginia State Police, Office of the Attorney General, and the Department of Criminal Justice Services:

1. Requests from the Attorney General or official designee, from the Department of Criminal Justice Services, and in response to a valid court order for expungement of material from official records may be forwarded in writing directly to the Chief of Corrections Operations.
2. Such expungement orders will be forwarded to the Manager, Central Criminal Records, or designee. Upon receipt of such orders, the Manager, Central Criminal Records, or official designee will ensure:
  - a. Expungement of the appropriate material from the Historical Hardcopy Record and VACORIS record as directed in the expungement order
  - b. Issuance of a notification of order to expunge to the Facility Unit Head of the facility to which the offender is assigned; the expunged material and copies of blotted out documents will be forwarded by the Facility Unit Head to the Manager, Central Criminal Records Unit, or designee upon completion of the expungement.
  - c. Upon receipt of the expunged material from the facility, the Manager, Central Criminal Records, or designee will make a notation on the memo cover of the original request by the Virginia State Police, Office of the Attorney General, and the Department of Criminal Justice Services advising that the expungement has been effected.

H. Appeal Process:

1. There is no administrative appeal process for expungement decisions.
2. Offenders in institutions may appeal expungement decisions through Operating Procedure 866.1, *Offender Grievance Procedure*.
3. Community Corrections offenders may appeal expungement decisions through their Facility Unit Head.

V. Offender Name Changes

A. Names on offender records

1. VACORIS name - the offender's legal name, usually the birth name or a legal name change
2. Term name - the name shown on the offender's current sentencing order(s)

B. In accordance with the Code of Virginia and case law, offenders are permitted to legally change their names.

C. Offenders will be permitted to use a legal name change, in addition to the name under which they were sentenced in accordance with the following provisions:

1. It is the offender's responsibility to provide documentation of the legal name change.
2. The DOC is not compelled, for record keeping purposes, to change its records to reflect an offender's legal change of name as the term name unless the DOC receives a court order that amends the original

sentencing order.

3. Absent the above order, the DOC will acknowledge in the official record that the inmate or probationer/parolee has had their name changed legally by recording it as the VACORIS name by virtue of an attested copy of the court order.
  - a. Facility staff must not change the VACORIS name.
    - i. Facility staff must submit the attested copy of the court order showing the legal name change to Offender Management Services to have the VACORIS name changed to the new legal name.
    - ii. A copy of the court order must be scanned and uploaded to VACORIS as an external document.
  - b. P&P Office clerical staff are authorized to change the VACORIS name for offenders in the community.
4. All documents printed from VACORIS will use the VACORIS name, which should be the name the offender uses for DOC business and communication. The offender will be allowed to send or receive mail using either name, but the offender's number should appear on all correspondence.
5. Some Courts require that the offender applying for a name change provide a copy of their Criminal History Record Information.
  - a. The offender may request a summary of felony conviction records by providing documentation from the Court that confirms application for a name change and instructions from the Court to provide the information.
  - b. A *Sentence Summary* from VACORIS may be used for this purpose once payment of copying charges by the offender has been made in accordance with this operating procedure. VACORIS should be researched and all sentence summaries, including those for prior DOC numbers for the offender, should be included.
  - c. Copies of the sentence summaries should be sent directly to the Court, with a notation made in VACORIS indicating the request, the information provided, and date it was sent.

#### VI. Court Dispositions, Detainers, Indictments, or Information

- A. If an institution receives any Court dispositions regarding trials, detainer notifications or materials such as an Interstate Agreement on Detainer (IAD), additional sentences, Writ, indictments, or information on inmates or probationers/parolees who are accused or convicted of violations of Virginia, other states, or federal law while in confinement, the Facility Unit Head or designee must forward the same to:

Manager, Court and Legal Services  
Virginia Department of Corrections  
P. O. Box 26963  
Richmond, Virginia 23261

Supervisor, Detainer Unit  
Virginia Department of Corrections  
P.O. Box 26963  
Richmond, VA 23261  
Mail or scan to [detainerunit@vadoc.virginia.gov](mailto:detainerunit@vadoc.virginia.gov)

- B. If a Community Corrections Facility receives any court dispositions regarding trials, detainer notifications or materials, additional sentences, indictments, or information on offenders who are accused or convicted of violations of state law while in confinement, the Facility Unit Head or designee must consult with the Regional Administrator and contact the Chief P&P Officer of the referring P&P District to determine appropriate handling of the case.
1. If law enforcement identifies an offender as a possible suspect of a new law violation and it is determined by the Facility Unit Head that the offender is no longer suitable for assignment to a Community Corrections Facility, a PB 15 should be issued.
  2. A *Major Violation Report (MVR)* should be submitted requesting a show cause outlining that the

offender is a flight risk.

C. Behavioral Correction Program (BCP) Release Directly from Court

1. It is preferred that all BCP offenders who have completed the requirements for the BCP are released from the institution.
2. If an institution receives a request from the Court to release a BCP sentenced offender directly from their Court, Records Office staff should suggest that the offender be returned to the institution for release processing. If the Court release the offender directly from Court, institutional Records Office staff must:
  - a. Check for detainers. If a detainer is on file, immediately notify the requesting Court.
  - b. Contact a Manager in Court and Legal, advise them of the Court's intent to release the offender, and inform them of any detainers on file that would prevent the offender's release. Notification by phone or email is not sufficient, actual contact must be established.
  - c. Request documentation from the Court that clearly states the Court intends to release the offender. The documentation should contain at a minimum the hearing date and a statement of intent to release the offender from their BCP sentence.
  - d. Request that the documentation be faxed to the institution and to the Manager in Court and Legal assisting with the release.
  - e. Fax the offender's signed release papers to Community Release.
  - f. Enter the transfer out in VACORIS to coincide with the date of the hearing.
3. Court and Legal will notify Community Release, the Detainer Unit when necessary, and Central Classification Services of the Court's intent. The Court and Legal file and all documentation must be given to the Time Computation Specialist Senior for processing.
4. Community Release will prepare and send release paperwork to the institution prior to the offender's release for Court transportation.
5. The Detainer Unit will contact the agency that issued the detainer and forward their findings to Community Release and Court and Legal.

VII. Facility Records Transfer Process (2-CO-1E-04)

- A. When an inmate or CCAP probationer/parolee is transferred to another state facility, the Facility Unit Head or designee will:
1. Institutions - Prepare the offender's Facility Folder or Historical Hardcopy Record, *Personal Property Envelope*, and Health Record for transfer and ensure that all material has been securely filed in the required section and is up to date. (5-ACI-1E-02; 4-4096; 4-ACRS-7D-10)
    - a. Institution specific file material in the Facility Folder will be removed and destroyed in accordance with this operating procedure.
    - b. The records will be sealed in envelopes and must remain sealed while the offender is in transit.
    - c. These records must accompany every offender transferred to another institution.
  2. Community Corrections Facilities - If an offender transfers from one Community Corrections Facility to another in the same program, the Case File and the Health Record will also transfer. (4-ACRS-7D-10)
    - a. If an offender completes a program at one Community Corrections Facility and transfers to another facility for another program the Case File will stay at the old facility but the Health Record will transfer with the offender.
    - b. Copies of pertinent Case File materials should accompany the offender when being transferred from one Community Corrections Facility program to another.
  3. Offender Identification Documents
    - a. Personal identification documents received after an offender has been transferred to another facility



should be forwarded within 30 days to the responsible facility by staff courier or certified mail.

- b. Social Security Cards received after the offender is transferred to another facility that are not forwarded within 30 days must be returned to the nearest Social Security Administration office within 30 days of receipt.
  4. Coordinate transfer preparation with assigned medical, mental health, and treatment staff
  5. Ensure inmates and CCAP probationers/parolees are not transferred without all volumes of their records
  6. Not receive an inmate or CCAP probationer/parolee without their associated records (Health Record, Historical Hardcopy Record or Facility Folder, or case file).
- B. Transportation Officers will be responsible for:
1. Proper handling, custody, and confidentiality of offender records during a transfer; records must not be accessible to offenders at any time.
  2. Delivery of records to appropriate staff at the receiving facility
- C. When an inmate or CCAP probationer/parolee is transferred to a local jail for permanent assignment, the Facility Unit Head or designee will:
1. Ensure copies of pertinent information from the Criminal Record and Health Record accompany the inmate or CCAP probationer/parolee including the contents of the Personal Property Envelope; see Operating Procedure 050.3, *Facility Release of Offenders*.
  2. The original records must be sent to Central Criminal Records within 30 days of the inmate's or CCAP probationer's/parolee's transfer.
- D. When an offender is transferred to a local hospital, copies of appropriate Health Records and information should be forwarded in accordance with Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*. No original records are to be sent.

## VIII. Inmate and CCAP Probationer/Parolee Records at Release from Custody or Supervision

### A. Institutions

1. Ensure all copies of the inmate's release conditions are properly signed and uploaded into the *Notes* section of VACORIS, identified as a Special Entry, Release/ Parole Paperwork.
2. Ensure all detainers, sentences, and major offense reports, if any, are properly accounted for. Refer any questions immediately by telephone to the Manager, Court and Legal Services.
3. Each month, facility Records Staff will generate a *Facility Custody Release Report* that lists all offenders released on supervision, parole, or discharged for the previous month.
  - a. The Historical Hardcopy Record for offenders released on parole, pre-release assignment, or work release will be forwarded to Central Criminal Records for storage.
  - b. The Historical Hardcopy Record for offenders released to supervision, discharged, death, or out from DOC will be sent by runner or shipping to VCE where the record will be scanned to electronic storage at:
 

Fluvanna Correctional Center for Women, Warehouse  
Attention: VCE Document Conversion  
144 Prison Lane  
Troy, Virginia 22974
  - c. Since the records contain sensitive information, care should be taken to ensure that privacy is maintained and that each record is sent to the location designated for the offender's release type.
4. Offender Identification Documents
  - a. Personal identification documentation received after the offender has been released will be forwarded within 30 days of receipt by staff courier or certified mail to the P&P Office serving the



release plan address.

- b. Social Security Cards received after the offender is released that are not forwarded within 30 days must be returned to the nearest Social Security Administration office within 30 days of receipt.

- 5. Offender Health Records will remain at the offender's last institutional assignment for three months from the date of release and then forwarded to the designated location for the offender's release type in accordance with Operating Procedure 701.3, *Health Records*.

B. For Community Corrections Facilities

- 1. Inactive Case Files should be retained at the facility and stored in a controlled area not accessible to offenders. Case Files may be disposed of in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.
- 2. Inactive offender Health Records will be retained at the facility and forwarded to Central Criminal Records once each year in accordance with Operating Procedure 701.3, *Health Records*.

- C. Probation and Parole Offices should retain inactive offender Case Files in a controlled area until disposed of in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.

IX. Escapes (Institutions)

A. The Facility Unit Head or designee will:

- 1. Report the escape in accordance with Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.
- 2. Notify by telephone all officials including DOC officials, the Operations and Logistics Unit, and local law enforcement agencies in accordance with Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*, and Operating Procedure 075.1, *Emergency Operations Plan*.
- 3. Secure an arrest warrant within six hours, charging the offender with escape and will notify the Supervisor, Detainer Unit, via fax, (804) 674-3334, that an arrest warrant has been obtained.

- B. Immediately upon notification to the Operations and Logistics Unit, the Director of Security and Correctional Enforcement or designee, will ensure that all escapes are reported to the Virginia Criminal Information Network (VCIN) and the National Crime Information Center (NCIC).

C. Take action as follows on escapees at large in excess of five days:

- 1. Place the original arrest warrant in the Facility Folder or Historical Hardcopy Record.
- 2. Forward the Facility Folder or Historical Hardcopy Record and Health Record by the most expeditious means to:

Manager, Central Criminal Records  
Virginia Department of Corrections  
5511-B Biggs Rd  
Richmond, Virginia 23224

- D. Release of information concerning an escape must be handled in accordance with Operating Procedure 025.1, *Public Access to DOC Public Records*.

X. Abscondings (Community Corrections Facilities)

- A. The Facility Unit Head or designee will report the absconding in accordance with Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.

- B. The Senior P&P Officer or P&P Officer will issue a PB-15 arrest warrant with local police authorities. The Senior P&P Officer or P&P Officer will contact the Chief P&P Officer in the absconder's sentencing P&P District. Every effort should be made to get a Capias issued by the Sentencing Court as soon as possible. If the absconder is a parolee, the Post Release Unit should be notified immediately, and every effort should be made to have a PB-14 issued as soon as possible.

C. Search and recovery efforts and referrals should be in accordance with Operating Procedure 075.1, *Emergency Operations Plan*.

D. The Case File should stay at the facility with information provided to other offices and agencies as needed.

XI. Record Information Dissemination and Release Process (5-ACI-1E-05; 4-4099; 4-APPFS-3D-34; 4-ACRS-7D-08; 2-CO-1E-07)

A. The Director of Offender Management Services, Chief of Corrections Operations, Regional Operations Chief, Regional Administrator, and Organizational Unit Head, or their designees, have the authority to disseminate inmate and CCAP probationer/parolee record information:

1. Upon receipt of a written request
2. In accordance with this operating procedure
3. With offender consent if applicable
4. With a photocopy of a Power of Attorney and an original notarized request
5. After advising the requester of applicable charges in the copying of records
6. With the original request and copy of the response maintained by the DOC Organizational Unit releasing the information
7. The DOC does not release criminal records information for employment or background checks.

B. Virginia Freedom of Information Act

1. The *Virginia Freedom of Information Act*, *Privacy Protection Act*, and other laws govern the dissemination and the confidentiality of information maintained by state agencies.
  - a. These statutes have a direct effect on the type of information about offenders that can be released to the public and the media.
  - b. When responding to requests for information about individual offenders, only the following information may be released to the public, unless the offender has an undisclosed location code:
    - i. The offender's projected parole eligibility, mandatory parole, and/or good time release dates at the time of the inquiry.
    - ii. The offender's incarceration or parole status and location
    - iii. A confined offender's mailing address for purposes of correspondence
    - iv. Information concerning an offender's visiting status and privileges. Copies of visiting lists, phone lists, and correspondence logs are not to be released.
  - c. All requests for information on offenders with undisclosed location codes must be referred to the Central Classification Services, generally the Interstate Compact Coordinator, for response.
    - i. Staff must not confirm or deny the offender's incarceration in a DOC institution or release any location information to include the offender's mailing address for correspondence purposes.
    - ii. Offenders who have an undisclosed location code (previously referred to as 055 Administrative Verification) will have a red flag at the top of all VACORIS offender pages with the notation "Administrative Location."
  - d. The release of information concerning apprehension, arrest, prosecution, or adjudication of charges against an offender and information in the event of an offender escape or death should be handled in accordance with Operating Procedure 025.1, *Public Access to DOC Public Records*.
  - e. The release of offender record information to the media should be handled in accordance with Operating Procedure 022.1, *News Media Relations*, and Operating Procedure 025.1, *Public Access to DOC Public Records*.
2. COV §2.2-3700 et seq., *Virginia Freedom of Information Act*, explicitly excludes offenders incarcerated in a state, local, or federal correctional facility, whether or not such facility is (i) located in the Commonwealth or (ii) operated pursuant to the Corrections Private Management Act, from the provisions of the Act. Therefore, requests by offenders under the *Freedom of Information Act* should

be answered to the effect that the *Virginia Freedom of Information Act* does not apply to incarcerated offenders based on COV §2.2-3703 (C), *Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.*

3. The *Virginia Freedom of Information Act*, COV §2.2-3706, *Disclosure of law-enforcement and criminal records; limitations*
  - a. COV §2.2-3706 (B)(4), exempts from mandatory disclosure “all records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment.” It is the policy of the DOC that all offender record information is exempt and considered to be confidential, and therefore, is not releasable, except as specified in this operating procedure, Operating Procedure 025.1, *Public Access to DOC Public Records*, or as authorized by the Director or designee.
  - b. COV §2.2-3706 (B)(6), exempts from mandatory disclosure “all records of adult persons under ... investigation or supervision by state probation and parole services.”
4. All requests for offender record information made under the *Virginia Freedom of Information Act* will be handled and responded to in accordance with Operating Procedure 025.1, *Public Access to DOC Public Records*.

#### C. Subpoena Duces Tecum

1. A Subpoena Duces Tecum requires the recipient to produce offender Case File material and/or offender data, for inspection.
2. Failure to produce documents pursuant to a Subpoena Duces Tecum is punishable as Contempt of Court unless a Motion to Quash the subpoena has been filed before the due date.
3. Anyone receiving a Subpoena Duces Tecum must immediately notify their supervisor.
4. The Attorney General’s Office must be contacted for case handling instructions.
5. The Regional Administrator should be notified.
6. A Subpoena Duces Tecum does not apply to expunged records.

#### D. Correctional Status Information - the current status of an offender in the criminal justice system is public record and may be revealed to anyone as appropriate. It identifies an offender’s current status in the corrections system; i.e., active parolee, offender, escapee, etc.

1. Upon request, correctional status information may be disseminated by any staff member to the public, i.e., employers, prospective employers, non-criminal justice agencies, or individuals.
2. Information about the arrest of an individual may not be disseminated if one year has elapsed from the date of arrest and no disposition of the charge has been made and no active prosecution of the charge is pending.
3. Dissemination of correctional status information does not need to be recorded.
4. To receive an additional copy of offender notification information after receipt of the initial copy, the offender must submit a request for the documents and pay applicable copying charges in advance.
  - a. If an offender wishes to provide offender notification information to a third party, the offender must request the copies and forward them to the third party.
  - b. Indigent offenders will be provided the requested copies with the cost of such copies debited against the offender’s stipend.
    - i. Each indigent offender is authorized a maximum stipend of \$50.00 each year for copies of offender notification information; unused funds will not be carried over to the following year.
    - ii. Any offender who exceeds the \$50.00 stipend during the year for such copies will not receive additional copies of offender notification information without written approval of the Facility Unit Head or designee.
    - iii. When the stipend is in excess of \$50.00 and the Facility Unit Head or designee does not approve

- the offender for additional copies, further copies will not be provided until the offender presents a court order instructing the facility to provide additional funds for such copies.
5. If an offender is no longer incarcerated in a DOC facility, request for offender records information must be notarized; see *Request for Records (Inactive Offender Only)* 050\_F17.
  6. Parole Board Information
    - a. Parole decision letters are offender notification information and may be disclosed as noted above.
    - b. Other Parole Board documents may be released only by the Parole Board. Any request for such documents should be submitted to the Parole Board in writing.
  - E. Criminal History Record Information - essentially the “rap sheet” type data may only be released in accordance with COV §19.2-389, *Dissemination of criminal history record information*, to:
    1. All units within the Department of Corrections and to other criminal justice agencies, as defined in COV §9.1-101, *Definitions*
    2. Treatment agencies when an offender is referred for treatment.
    3. Individual representatives of government agencies requiring the information to implement State and Federal statutes, implement Executive Orders, conduct investigations, or determine employment suitability or security clearance. Examples of such agencies are the Bureau of Immigration and Naturalization, the US Civil Service Commission, and military intelligence agencies.
    4. Individuals and agencies pursuant to a specific agreement with the DOC to provide services required for the administration of criminal justice which agreement specifically authorizes them access to data, limits the use of data to the purposes for which it was given, and ensures the confidentiality and security of the data.
    5. Individuals or agencies outside the DOC for the purpose of research, evaluative, or statistical activities pursuant to an agreement between such agencies or individuals and the DOC that specifically authorizes access to data, limits the use of data to research, evaluative, or statistical purposes, and ensures the confidentiality and security of the data.
    6. Any other public or private agency or individual for such purpose as specifically authorized by federal or state statute
    7. Any individual or agency when authorized by court order or court rule
    8. Under any other circumstances as provided in COV §19.2-389, *Dissemination of Criminal History Record Information*
    9. An offender who requests a copy of his own Criminal History Record Information, pursuant to COV §19.2-389 (A)(11), should be directed to the Virginia State Police, Central Criminal Records Exchange (CCRE) for Criminal History Record Information that is required to be reported to the CCRE or to the criminal justice agency required to maintain the record if such information is not required to be reported to the CCRE; reference COV §19.2-389 (D).
    10. Criminal History Record Information will not be released to the offender or to any person or agency not authorized as above; requests for Criminal History Record Information received from private, non-criminal justice agencies should be denied, and the agency or individual referred to CCRE, local law enforcement or the Court for assistance.
    11. Juvenile Criminal History and Family Member’s Criminal History Dissemination
      - a. Permission from the Juvenile or Circuit Court Judge must be obtained before any juvenile information can be released. The permission does not need to be in writing and it is permissible for a P&P Office to get blanket approval for the dissemination.
      - b. Criminal history of an offender’s family members may be included in a Pre/Post-sentence Report, but should be disseminated only in accordance with this operating procedure.
    12. Before providing Criminal History Information to anyone, the person making the dissemination should obtain a current CCRE printout to ensure that the information being disseminated is current. CCRE

printouts of Criminal History Information should be shredded as soon as they have served the purpose for which they were obtained.

13. Logging of the Dissemination of Criminal History Information

- a. The dissemination of Criminal History Information, whether given orally or in writing, must be recorded as a dated entry in *Facility Notes* or *Case Notes*, detailing the information disseminated and the person or agency to whom it was given.
- b. Dissemination of Criminal History Information to other units of the DOC or to a Court does not have to be logged in the *Case Notes* as long as the dissemination can be traced through the trail of case activity.

F. Criminal Investigative Information

1. Criminal investigative information is the general case file material excluding the criminal history. Its dissemination is a matter of DOC operating procedure and case law. Staff should not release this type of material except when so instructed by a Court of law or a supervisor.
2. Pre-sentence Investigations (PSI) and Post Sentence Reports (PSR) cannot be disseminated except:
  - a. In accordance with COV §19.2-299, *Investigations and reports by probation officers in certain cases*
  - b. To any criminal justice agency as described in COV §9.1-101, *Definitions*
  - c. To any agency where the offender is referred for treatment
  - d. To counsel for any person who has been indicted jointly for the same felony as the subject of the report
  - e. If the subject is later charged with a new felony, the report may be released to their attorney.

G. Alcohol and Drug Abuse Record Information - Reference 42 CFR 2, *Confidentiality Of Substance Use Disorder Patient Records*

1. By completing and signing a *Consent for Release of Alcohol and Drug Abuse Record Information* 050\_F15 or a *Consent for Release of Information (PPS 20)* 920\_F8, an offender can authorize the release of alcohol and drug abuse record information to the offender or to any other person, agency, or organization specified.
2. Alcohol and Drug Abuse Records may be released without an offender's written consent to the following:
  - a. Medical staff to the extent necessary to meet a bona fide medical emergency
  - b. Qualified staff for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such staff may not identify, directly or indirectly an individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identity in any manner.
  - c. Upon receipt of a court order, the Court will determine the extent to which any disclosure of all or any part of any record is necessary.
  - d. Private contract treatment provider for continuation of therapeutic treatment
3. The prohibitions of this section continue to apply to records concerning an offender even when that offender is no longer under DOC custody or supervision.

H. Release of information contained in offender medical, dental and mental health records is further excluded under COV §2.2-3705.5, *Exclusions to application of chapter; health and social services records*, and COV §32.1-127.1:03, *Health records privacy*. Medical, Dental, or Mental Health Record information will be managed and released in accordance with Operating Procedure 701.3, *Health Records*.

I. Offender record information not related to their incarceration, e.g., education, career and technical education, work experience, and programming completions may be released to another person, agency, or organization only upon receipt of a properly completed and signed *Consent for Release of Information* 050\_F14 and payment of applicable copying charges. A copy of the signed *Consent for Release of*



Information must be uploaded in VACORIS as an external document. (5-ACI-1E-05; 4-4099; 4-ACRS-7D-08, 4-ACRS-7D-09; 2-CO-1E-07)

If an offender is no longer incarcerated in a DOC facility, the request for offender records information must be notarized; see *Request for Records (Inactive Offender Only)* 050\_F17.

- J. Victim notification information will be provided by the Victim Services Unit to victims who request notice of offender status changes in accordance with COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.* and Operating Procedure 021.1, *Victim Services Unit*.
- K. Any request for release of offender record information that raises any questions of the validity of such request should be referred to the Director of Offender Management Services, who will in turn request assistance from the Office of the Attorney General or Central Criminal Records Exchange as appropriate.
- L. Any request for access to offender record information from any outside, non-law enforcement entity must be approved in advance by the Chief of Corrections Operations.
- M. Copying Charges for Release of Information
  - 1. Copying charges should not apply to information provided to DOC units, other Virginia state agencies, other law enforcement agencies, or to entities where the offender is being referred by DOC for services or treatment.
  - 2. Copying charges will apply to all requests by offenders and the public for offender record information.
    - a. Copying charges should be collected before providing the requested information. Charges may be billed with the delivery of records at the discretion of the Organizational Unit Head.
    - b. The charges will be the sum of:
      - i. A charge for each page or copy
      - ii. The actual cost of postage or shipping, when the copies are sent through the U.S. Postal Service or private mail carrier.
      - iii. Reasonable costs, not to exceed the actual cost of labor for additional research required to locate and copy records that are not readily available for copying, such as records that are archived or are maintained on microfilm or electronic storage.
      - iv. Per page copying charges are based on memoranda issued by the Chief of Corrections Operations.
    - c. The requester should be advised of the fees in writing using Attachment 3, *Sample Copying Charge Letter*, as a guide.
      - i. Upon receipt of the check or money order, made payable to the “Virginia Department of Corrections,” the copies should be provided and the check/money order deposited in accordance with financial systems procedures.
      - ii. Records of all monies received for copying should be maintained for auditing purposes.

## REFERENCES

42 U.S.C. §405, *Social Security Number Protection Act of 2010*

COV §2.2-3700 et seq., *Virginia Freedom of Information Act*

COV §2.2-3703, *Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility*

COV §2.2-3705.5, *Exclusions to application of chapter; health and social services records*

COV §2.2-3706, *Disclosure of law-enforcement and criminal records; limitations*

COV §2.2-3808, *Collection, disclosure, or display of social security number*

COV §9.1-101, *Definitions*

COV §16.1-226 et seq., *Juvenile and Domestic Relations District Court Law*





COV §19.2-299, *Investigations and reports by probation officers in certain cases*  
COV §19.2-389, *Dissemination of criminal history record information*  
COV §32.1-127.1:03, *Health records privacy*  
COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*  
COV §64.2-1600 et seq. *Virginia Uniform Power of Attorney Act*  
Operating Procedure 020.2, *Compact for Interstate Transfer of Incarcerated Offenders*  
Operating Procedure 021.1, *Victim Services Unit*  
Operating Procedure 022.1, *News Media Relations*  
Operating Procedure 025.1, *Public Access to DOC Public Records*  
Operating Procedure 025.3, *Public Records Retention and Disposition*  
Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*  
Operating Procedure 050.3, *Facility Release of Offenders*  
Operating Procedure 050.6, *Offender Access to Record Information*  
Operating Procedure 075.1, *Emergency Operations Plan*  
Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*  
Operating Procedure 310.2, *Information Technology Security*  
Operating Procedure 601.1, *Educational Administration and Management, et seq.*  
Operating Procedure 701.3, *Health Records*  
Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*  
Operating Procedure 802.1, *Offender Property*  
Operating Procedure 861.1, *Offender Discipline, Institutions*  
Operating Procedure 864.1, *Offender Grooming and Hygiene*  
Operating Procedure 866.1, *Offender Grievance Procedure*  
Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*  
Operating Procedure 940.4, *Community Corrections Alternative Program*

## **ATTACHMENTS**

Attachment 1, *Property Envelope*  
Attachment 2, *Master Index Sheet (Community Corrections Facilities)*  
Attachment 3, *Sample Copying Charge Letter*

## **FORM CITATIONS**

*Emergency Notification Information* 050\_F11  
*Amendment of Offender Record Material* 050\_F13  
*Consent for Release of Information* 050\_F14  
*Consent for Release of Alcohol and Drug Abuse Record Information* 050\_F15  
*Request for Records (Inactive Offender Only)* 050\_F17  
*Receipt of Offender Discipline Procedure* 861\_F1  
*Consent for Release of Information (PPS 20)* 920\_F8